

THE HONORABLE RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

*In re Atossa Genetics, Inc.  
Securities Litigation*

Civil Action No. 13-cv-01836-RSM

**CLASS ACTION**

**ORDER APPROVING DISTRIBUTION OF  
CLASS SETTLEMENT FUND**

ORDER APPROVING DISTRIBUTION OF CLASS  
SETTLEMENT FUND  
Case No. 13-cv-01836-RSM

Zwerling, Schachter & Zwerling, LLP  
1904 Third Avenue, Suite 1030  
Seattle, WA 98101-1170  
Tel.: (206) 223-2053

1 IT IS HEREBY ORDERED THAT:

2 1. The funds that are currently in the Net Settlement Fund (less any necessary amounts to be  
3 withheld for payment of potential tax liabilities and related fees and expenses) shall be distributed  
4 on a *pro rata* basis to the Authorized Claimants identified in Exhibits G and H to the Declaration  
5 of Jason Rabe Regarding (A) Processing of Claim Forms, (B) Calculation of Recognized Losses  
6 Pursuant to the Plan of Allocation, and (C) Proposed Plan For Distribution of Settlement Fund  
7 (“Rabe Declaration”), at the direction of Pomerantz LLP and Block & Leviton LLP (“Lead  
8 Counsel”), pursuant to the Stipulation and Agreement of Settlement dated March 23, 2018 (the  
9 “Stipulation”) and the Plan of Allocation of the Net Settlement Fund set forth in the Notice of  
10 Pendency and Settlement of Class Action that was distributed pursuant to this Court’s prior Order.  
11

12 2. Any Claim received after May 19, 2019 shall be rejected as untimely and (b) any responses  
13 to Deficiency Letters, Rejection Letters, and Transaction Reports received after May 19, 2019  
14 shall be rejected as untimely.  
15

16 3. The Court finds that the administration of the Settlement and proposed distribution of the  
17 Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation and that  
18 all persons involved in the review, verification, calculation, tabulation, or any other aspect of the  
19 processing of the claims submitted herein, or otherwise involved in the administration or taxation  
20 of the Settlement Fund or the Net Settlement Fund (including, but not limited to Lead Counsel and  
21 Rust Consulting, Inc. (“Rust”)) are released and discharged from any and all claims arising out of  
22 such involvement, and all Class Members are barred from making any further claims against the  
23 Net Settlement Fund or the Released Parties beyond the amount allocated to them pursuant to this  
24 Order.  
25

26 4. The checks for distribution to Authorized Claimants shall bear the notation “CASH  
27 PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED BY DATE 90  
28

1 DAYS AFTER ISSUE DATE.” Lead Counsel and The court-appointed Claims Administrator,  
2 Rust are authorized to locate and/or contact any Authorized Claimant who has not cashed his, her  
3 or its check within said time.

4 5. To the extent that any amount of the Settlement Fund remains after the Claims  
5 Administrator has caused distributions to be made to all Authorized Claimants whether by reason  
6 of uncashed distributions or otherwise, then, after the Claims Administrator has made reasonable  
7 and diligent efforts to have Authorized Claimants cash their distributions, any balance remaining  
8 in the Settlement Fund one (1) year after the initial distribution of such funds shall be re-distributed  
9 to Authorized Claimants who have cashed their initial distributions, after payment of any unpaid  
10 Taxes and Tax Expenses or any unpaid costs or fees incurred in administering the Settlement Fund  
11 for such re-distribution if Lead Counsel, in consultation with the Claims Administrator, determines  
12 that additional re-distributions, after the deduction of any additional fees and expenses that would  
13 be incurred with respect to such re-distributions, would be cost-effective. Further re-distributions  
14 to Authorized Claimants who have cashed their prior distribution checks may occur thereafter if  
15 Lead Counsel, in consultation with the Claims Administrator, determines that further re-  
16 distributions, after the deduction of any additional fees and expenses that would be incurred with  
17 respect to such re-distributions, would be cost effective. At such time as it is determined that the  
18 re-distribution of funds remaining in the Settlement Fund is not cost-effective, the remaining  
19 balance in the Settlement Fund shall be contributed to the Institute of Law and Economic Policy.  
20  
21  
22  
23

24 6. Following distribution of the Net Settlement Fund, Rust is hereby ordered to maintain the  
25 completed Proofs of Claims on file for three years after the Effective Date as defined in the  
26 Stipulation.

27 7. This Court retains jurisdiction over any further application or matter which may arise in  
28 connection with this action.

1  
2 Presented By:

3  
4 /s/ Dan Drachler

5 Dan Drachler (WSBA #27728)

6 IT IS SO ORDERED

7  
8 Dated this 19 Day of August 2019

9  
10 

11 RICARDO S. MARTINEZ

12 CHIEF UNITED STATES DISTRICT JUDGE